

REMARKS

Claims 1-11 are pending in this application. Claims 12-14 are added by this amendment. Claims 1, 3, 4, 7-8 and 10-11 stand rejected under 35 USC 103(a) as being unpatentable over Trahan, U.S. Patent No. 5,634,962. Claims 2, 5, 6 and 9 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

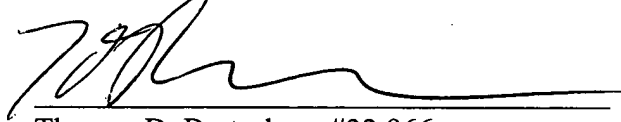
Applicant has amended claim 3 to depend from claim 1. The remaining independent claims 1 and 4. The Examiner argues that claims 1 and 4 are obvious in view of Trahan because, "although Trahan does not disclose a heat exchanger in the scrubber liquid circuit, such are well known in the art to regulate the temperature of the scrubber liquid to provide optimum temperature to efficiently separate the VOC/scrubbing liquid in the separator and to enhance the adsorption of the VOC from the gas stream into the scrubbing liquid in the adsorber." The Examiner further cites Anderson, U.S. Patent No. 6,015,451, as supporting the above position that Applicant's invention is obvious in view of Trahan. However, neither Trahan, Anderson or the other art cited but not relied upon by the Examiner teach the claim 1 element of using heat exchange for, "conditioning the gas stream to a temperature level appropriate for use as the gas stream is recycled to the VOC source." This element of claim 1 is directed toward the environment at the VOC source, for example conditioning the air in the source for energy efficient painting which is quite different from using heat exchange to optimize the separation and adsorption of VOC as taught by Anderson. (See Specification page 6, lines 1-3).

Independent claim 4 introduces the additional element of, "a heat exchanger in fluid communication with the scrubbing liquid flowing in the scrubbing liquid circuit, the heat exchanger also in fluid communication with a third fluid circuit." Applicant does not believe that Trahan, Anderson or any of the other cited prior art teach the element of a third fluid circuit. The Examiner does not state in the Office Action of 3/27/03 that any of the prior art teaches or suggests a third fluid circuit, and may have overlooked this element of claim 4.

For the reasons set forth above, Applicant respectfully submits the claims as filed are allowable over the art of record and reconsideration and issuance of a notice of allowance are respectfully requested. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117 if not otherwise specifically requested. The undersigned hereby authorizes the charge of any required fees not included or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Bratschun', written over a horizontal line.

Thomas D. Bratschun, #32,966
Swanson & Bratschun, L.L.C.
1745 Shea Center Drive, Suite 330
Highlands Ranch, Colorado 80129
(303) 268-0066

cc: Rob Hoge

S:\Client Folders\CH2M Hill\04 Org Comps\CIP\Office Action Response 1.doc